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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,093	09/09/2003	John G. Gilliland	0112300-1682	4315

29159 7590 05/09/2006

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EXAMINER
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HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/659,093

Applicant(s)

GILLILAND ET AL.

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 24 and 37-51 is/are allowed.
- 6) ☒ Claim(s) 13-23 and 25-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/21/06, 2-21-06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Regarding the applicant's arguments concerning the priority date of the application, the examiner finds them convincing. The parent application does not use the word "interface" but does disclose a plurality of changeable symbols which constitute an interface as defined by the applicant. The examiner has updated the prior art search and finds no art that antecedes the prior art date of the parent disclosing such an interface, so Claims 1 to 12, 24, and 37 to 51 are allowed. Claims 13 to 23 and 25 to 36 are still rejected, as these features are not supported by the parent specification. In addition to support in '313 for the claims indicated by the applicant in the remarks of Feb. 21<sup>st</sup>, 2006, the examiner has found support in the parent for the following claims: Claims 10 and 11 (Figs. 4 and 5); Claim 12 (Col. 10, Lines 38 to 51); Claim 24 (Col. 10, Lines 12 to 27); Claim 38 (Col. 3, Lines 13 to 36); Claim 39 (Figs. 4 and 5, Col. 3, Lines 29 to 31); Claims 40, 41, 43, and 45 (Figs. 4 and 5); Claims 42 and 44 (Fig. 7, Col. 9, Lines 23 to 34); and Claim 46 (Col. 7, Lines 8 to 19). Claims 37, 47, and 48 are supported by the same passages as Claim 1. Claims 49 to 51 are supported by the same passages as Claims 2 to 4, respectively.

2. Regarding the applicant's remarks concerning the '349 reference are not found to be convincing by the examiner. '349 teaches a plurality of display interfaces (Figs. 3 and 12), each of which includes a plurality of different symbols. The symbols in each interface perform an identical function in the primary game with respect to

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corresponding symbols in the other interfaces. The Detective and Sidekick symbols are carried over in both sets of slot reels, the regular theme and the Christmas theme (Figs. 3 and 12, Para. 37). The regular theme has nine other symbols (Para. 35) that are replaced with nine corresponding Christmas-themed symbols during the holiday season (Para. 56). In one embodiment, the paytable is affixed to the machine (Para. 34), so the paytable cannot change when the time of year changes the game's theme, only the symbols change to other corresponding symbols. Para. 71 says that, in an alternative embodiment of '349, the payout structure or payback percentage can be changed as a function of the predetermined time (theme), so necessarily in the preferred embodiment, the payout structure or percentage remains the same when the theme changes. It is thus inherent that the symbols of the different interfaces correspond to each other. A plurality (though not all) of the symbols are visually different from one another (Figs. 3 and 12). '349 is still prior art for the rejected claims not supported by the parent application.

3. The examiner notes the applicant's comments on the claim groupings. The examiner was grouping similar claims together for expediency. The claims will be grouped differently in future actions. The claim objections regarding improper numbering and the 112 rejection to Claim 36 are overcome by the amendments.

### ***Claim Rejections - 35 USC § 102***

4. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

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purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13 to 16, 19, 21 to 23, 25 to 29, 34, and 35 are rejected under 35

U.S.C. 102(e) as being anticipated by Joshi (U.S. patent application publication 2002/0151349 A1, application 10/157,514).

6. As to Claim 13: (Claim 13 includes the elements of Claims 1 and 11 by virtue of dependency.) Joshi teaches in '349 a display device (Fig. 1), and a primary game operable for a wager by a player (Abstract). '349 has a plurality of game display interfaces to display a primary game to a player (Figs. 1 and 12); each interface includes a plurality of different symbols; and the symbols in each interface perform an identical function in the primary game with respect to corresponding symbols in the other interfaces. Pluralities of the corresponding symbols in the interfaces are visually different from one another (Figs. 1 and 12). An event causes the device to switch from displaying one interface for the primary game to displaying another interface for the primary game (standard and holiday interfaces, Abstract). Each of the interfaces of '349 includes indicia consistent with a different game theme (Para. 63; Figs. 13 to 16). In '349, a first interface display occurs before a second interface display, wherein the first interface display corresponds to a theme event happening before a theme event associated with the second interface display (will reading of Figs. 5 to 8 occurring before visit to suspect's hideout of Fig. 9).

7. As to Claim 14: The different interfaces of '349 allow the player to advance to the same bonus game (Figs. 1 and 12, different interfaces for primary game; Figs. 5 and 13

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same bonus game, just different themes corresponding to primary games of Figs. 1 and 12, respectively).

8. As to Claim 15: In '349, the triggers for the bonus game in each of the interface have the same indicia (Para. 36 and 37; Figs. 3 and 12 have same detective and sidekick symbols).

9. As to Claim 16: In '349, each theme has its own set of symbols, so the trigger symbols could be replaced for different themes (Para. 6 and 7).

10. As to Claim 19: In '349, a random decision determines whether to change interfaces (bonus combinations occurring randomly in the primary slot game).

11. As to Claim 21: In '349, the random decision to change interfaces is based on a symbol display (Para. 37, combination of detective and sidekick symbols).

12. As to Claim 22: In '349, the random decision to change interfaces is weighted according to the amount wagered (Para. 11, wager inputs determine favorite interface, which is displayed more often).

13. As to Claim 23: In '349, the random decision to change interfaces is based on the outcome of the primary game (combination of detective and trigger symbols, Para. 36 and 37).

14. As to Claim 25: In '349, different stages of a theme have different interfaces (Figs. 5 to 8, characters sitting at a table hearing will read; Fig. 9, visit to suspect's hideout later in game).

15. As to Claim 26: In '349, each of the stages is associated with a different interface (Figs. 5 to 8, characters sitting at a table hearing will read; Fig. 9, visit to suspect's hideout later in game).

16. As to Claim 27: In '349, each stage can be associated with a plurality of interfaces (Figs. 13 to 16, characters sitting at a table hearing will read, different interface depending on holiday theme).

17. As to Claim 28: In '349, the interfaces of the bonus game is determined by the interface of the primary game, based on what holiday theme is being used for the current time of year (Para. 63, Figs. 12 and 13).

18. As to Claim 29: In '349, one of the interfaces associated with one of the stages is selected by the player (Para. 11, motif selected based on player's preference).

19. As to Claim 34: In '349, the stages occur chronologically (characters hearing will read, Figs. 5 to 8; visit to suspect's hideout, Fig. 9).

20. As to Claim 35: '349 teaches different audios associated with different interfaces (St. Patrick's day audios, Para. 71; different audios, Para. 67).

### ***Claim Rejections - 35 USC § 103***

21. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

22. Claims 17, 18, 20, and 30 to 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi ('349) in view of Nicastro (U.S. patent application publication 2003/0027619 A1, application 10/202,924).

23. As to Claim 17: Joshi in '349 discloses all of the elements of Claim 17, but lacks specificity as to a bonus game having bonus triggers specific to the different interfaces. In '349 the bonus game (Figs. 13 to 16, same bonus game with different interface themes depending on time of year) has trigger indicia common to each of the interfaces (Figs. 1 and 12, detective and sidekick trigger symbols common to different interfaces of the base game; Para. 36 and 37). Nicastro, however, in '619 teaches bonus triggers specific to the different interfaces. The bonus games of '619 have different trigger symbols specific to the interfaces of the primary games. Figs. 2 and 3 of '619 show a base game. A predetermined number of adjacent trigger symbols occurring along a payline determines a bonus game (Para. 40). In this case, the trigger symbol is the MC symbol (center row, Fig. 3). Three or more symbols triggers the bonus game of Figs. 4 to 6 (Para. 47). Fig. 8 shows another base game of '619; the trigger symbol is "The Big Cheese." Three or more adjacent trigger symbols on a payline start the bonus game of Fig. 10 (Para. 59). It would be obvious to one of ordinary skill in the art to apply the interface-specific bonus triggers of '619 to the game of '349. The primary game of '619 can be a slot machine (Fig. 2, Para. 37), like '349 (Fig. 1). Both games have bonus games that are started by combinations of trigger symbols ('349, Para. 36 and 37; '619, Para. 47 and 59). Both games have interfaces based on themes ('349, holiday interfaces, Figs. 13 to 16; '619, "Cat & Mouse," Fig. 8, and "Take It or Leave It," Figs. 2 and 3). In both games, the more active paylines the player has active in the primary game, the more the player can win in the bonus game ('349, Para. 52; '619, Para. 75). The advantage of this combination would be to stimulate the interest of the player by



offering multiple bonus games on one machine, using different trigger symbol combinations to indicate the different bonus games.

24. As to Claim 18: The interfaces of '619 allow the player to advance to a bonus game specific to the interface (Figs. 2, 3, 5, 8, and 10; Para. 40 and 59).

25. As to Claim 20: '619 has an input device that enables the player to override the random decision to change interfaces (Para. 32 and 71, player can decline additional bonus games).

26. As to Claim 30: In '619, the player can decline an additional bonus game (Abstract) by using the input device (Para. 62). The additional bonus game can be the same type of bonus game (Claims 14 to 17), so the additional bonus game would be another stage of the same theme.

27. As to Claims 31 and 32: In '619, the interface associated with a stage is played for a number of plays before a different stage and interface are used. In the bonus game, the number of Take Its and Leave Its (game plays) is based on a preset number based on the number of bets made in the primary game (Para. 56). The player plays the interface associated with the bonus game until the additional game is offered (Para. 32). The additional bonus game can be the different type of bonus game (Claims 14 to 17), so the additional bonus game would have a different stage and interface.

28. As to Claim 33: In '349, the number of plays is determined randomly, as the bonus combination occurs after a random number of plays (Para. 37).

29. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi ('349) in view of Schneier, et al. (U.S. patent 5,970,143 A).

30. As to Claim 36: The combination of Joshi ('349) and Nicastro ('619), and Joshi ('990) discloses all of the elements of Claim 36, but lack specificity as to keeping a log of outcomes of the primary games. Schneier, however, in '143 teaches keeping a log of outcomes of primary games to determine the high scores of tournament games (tournament database, Fig. 5; Col. 22, Line 66 to Col. 23, Line 60). It would be obvious to one of ordinary skill in the art to apply the game result log of '143 to the combination of '349, '619, and '990. The score-keeping system is designed to be used with groups of video games networked together (Fig. 1A; Col. 10, Lines 10 to 48); in particular, '143 can be used with slot machines (Col. 44, Lines 33 to 38), like the games of '349 and '619. '349 (Fig. 17) has a floor controller with multiple slot machines connected to it by a network so it can determine the favorite interfaces base on a log of the coin-in at each machine (Para. 72). The software of '619 can be updated over a network (Para. 36). It is inherent that the networked gaming machines would be capable of tournament play using the results log of '143. The advantage of this combination would be to heighten players' interest in the game by providing a tournament capability and allowing them to see the high scores on other machines in the casino.

### ***Conclusion***

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 3713

  
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TC3700